Office of the Information Commissioner of Canada

2016–17

Report on Plans and Priorities

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Cat. No. IP1-2E-PDF
ISSN 2292-5899

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Message from the Commissioner

I am pleased to present the Office of the Information Commissioner's *Report on Plans and Priorities* for 2016–17.

I head into this year cautiously optimistic that it will be one of advances for access to information.

The new government publicly committed to increasing transparency. And, in an unprecedented move, the Prime Minister released the mandate letter of each Cabinet member.

I was encouraged to see a statement in the instructions to both the Minister of Justice and the President of the Treasury Board about carrying out a review of the *Access to Information Act*. Equally important was a direction to amend the Act in a manner consistent with some of the recommendations I made in my March 2015 report on modernizing the law.

The proposed amendments include giving the Information Commissioner order-making power. This would be a significant and positive change to how the access regime operates, one that is expected to result in better service for Canadians. The work that my office is doing to streamline and bring rigour to the investigative process will position the organization well should Parliament reform the Act.

Another positive development is the Prime Minister's request to the Government House Leader to ensure that agents of Parliament are properly funded. As I have said many times, a key to ensuring my office can protect information rights is having sufficient resources to carry out my mandate.

It is fitting that 2016 is already shaping up to be the year of access. UNESCO has added the designation International Day for the Universal Access to Information to September's annual Right to Know Day, and the theme of this year's World Press Freedom Day on May 3 is access to information.

A year of global focus on access presents a perfect opportunity for Canada to reclaim its position as a leader in the area of freedom of information. As always, my office and I stand ready to assist.

Section I: Organizational Expenditure Overview

Organizational Profile

Commissioner: Suzanne Legault, Information Commissioner of Canada

Ministerial Portfolio: Justice

Enabling Instrument: *Access to Information Act* (R.S.C., 1985, C-1)

Year Established: 1983

For administrative purposes, the Minister of Justice is responsible for submitting the organization's *Report on Plans and Priorities* and *Departmental Performance Report*.

Organizational Context

Raison d'être

The Information Commissioner of Canada reports directly to the House of Commons and Senate. The Office of the Information Commissioner of Canada ensures that the rights conferred by the *Access to Information Act* are respected, which ultimately enhances transparency and accountability across the federal government.

Responsibilities

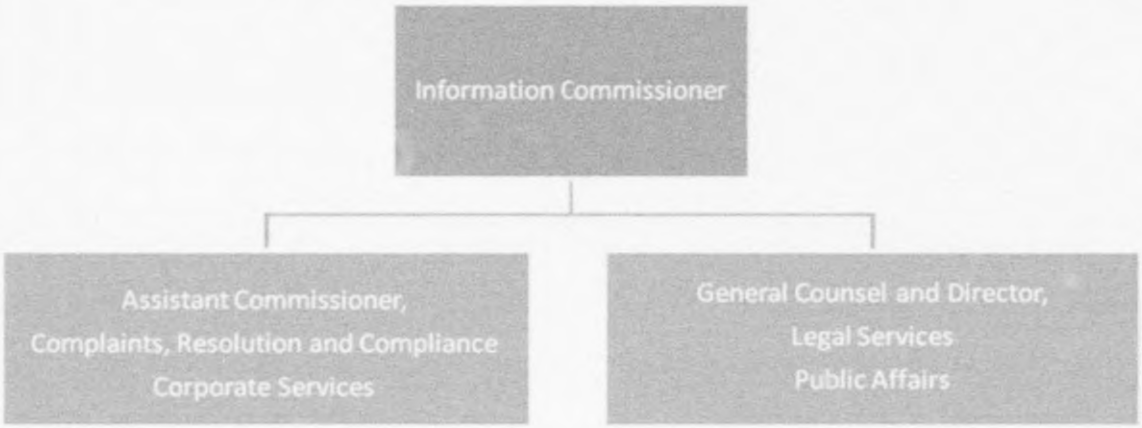
The Office of the Information Commissioner of Canada (OIC) is an independent public body created in 1983 under the *Access to Information Act*. The OIC's primary responsibility is to conduct efficient, fair and confidential investigations into complaints about federal institutions' handling of access to information requests. The OIC strives to maximize compliance with the Act while fostering disclosure of public sector information using the full range of tools, activities and powers at the Commissioner's disposal.

The OIC primarily uses mediation and persuasion to resolve complaints. In doing so, the OIC gives complainants, heads of institutions and all third parties affected by complaints a reasonable opportunity to make representations. The OIC encourages institutions to disclose information and to respect Canadians' rights to receive information, in the name of transparency and accountability. The OIC brings cases to the Federal Court to ensure the Act is properly applied and interpreted.

The OIC also supports the Information Commissioner in her advisory role to Parliament and parliamentary committees on all matters pertaining to access to information. The OIC actively

makes the case for greater freedom of information in Canada through targeted initiatives such as Right to Know Week and ongoing dialogue with Canadians, Parliament and federal institutions.

The following diagram shows the OIC's organizational structure.



Complaints Resolution and Compliance mediates and investigates complaints about the processing of access to information requests and any issues related to requesting or obtaining access to records under the Act, and makes formal recommendations to institutions and heads of institutions, as required.

Legal Services represents the Commissioner in court as she seeks to clarify points of access law and uphold information rights. Lawyers provide legal advice on investigations and administrative and legislative matters, as well as customized reference tools and training on recent case law. Legal Services also monitors legislative developments to determine their possible effect on the Commissioner's work and access to information in general.

Public Affairs conducts communications and external relations with a wide range of stakeholders, notably Parliament, governments and the media. Public Affairs also provides input to the Treasury Board of Canada Secretariat on improving the administration of the Act. Public Affairs is responsible for the OIC's access to information and privacy function.

Corporate Services provides strategic and corporate leadership for planning and reporting, human resources and financial management, security and administrative services, internal audit and evaluation, and information management and technology.

Strategic Outcome and Program Alignment Architecture

1. Strategic Outcome: Rights under the *Access to Information Act* are safeguarded

1.1 Program: Compliance with access to information obligations

Internal Services

Organizational Priorities

Below are the OIC's organizational priorities for 2016–17.

Priority: Uphold information rights through effective oversight

Description: Investigations are the heart of the OIC's program and the principal means by which the Commissioner safeguards the rights conferred by the *Access to Information Act*.

Priority Type: Ongoing

Key Supporting Initiatives

Planned Initiatives	Start Date	End Date	Link to Program Alignment Architecture
• Implement mediation for all complaints • Implement a lean investigative process • Leverage technology	April 1, 2016	March 31, 2017	Compliance with access to information obligations Internal Services

Priority: Ensure OIC employees have the knowledge and skills they need to carry out their duties to the highest levels of excellence

Description: The OIC's work requires a high level of knowledge and expertise. It is essential that the OIC attract and retain informed and engaged employees.

Priority Type: Ongoing

Key Supporting Initiatives

Planned Initiatives	Start Date	End Date	Link to Program Alignment Architecture
• Provide ongoing investigative and legal training • Update investigative manual • Publish code of procedure for institutions and stakeholders	April 1, 2016	March 31, 2017	Compliance with access to information obligations Internal Services

Risk Analysis

Key Risks

Risk	Risk Response Strategy	Link to Program Alignment Architecture
That information rights will be further eroded due to financial restraint and an increasing workload	• Seek additional funding • Monitor budgets and spending vigilantly • Make cost-efficient hiring decisions • Develop and take advantage of shared services opportunities • Implement mediation for all complaints • Implement lean investigative process • Leverage technology • Target groups of complaints and develop specialized expertise in those areas • Carry out vigilant monitoring of files • Foster collaboration with institutions to ensure efficiency in investigations	Compliance with access to information obligations Internal Services
That demographic factors, the mobility of access to information subject-matter experts within the public service, ongoing pressure due to financial restraint and an increasing workload will lead to instability in the workforce	• Develop an integrated human resources plan for 2016–20, depending on funding allocation • Offer training and development opportunities (unique to the OIC and with other agents of Parliament) to challenge and retain staff • Complete staffing actions promptly • Engage experienced contract resources • Take steps to maintain employee engagement	Compliance with access to information obligations Internal Services

The number of access to information requests Canadians have submitted has increased by 64 percent since the Commissioner took office in June 2010.[i] Over the same period, the OIC's complaints volume has been increasing, with a 30-percent jump in 2013–14.[ii] As of early January 2016, the OIC was projecting it would receive 2,000 complaints in 2015–16.

However, the OIC's budget has not kept pace with this growing workload. In fact, available funding has decreased in recent years. While the OIC has shaved weeks off investigations and reallocated resources to the program, the inventory of complaints has grown to more than 3,000 files. The ensuing delay in investigating these complaints is negating information rights.

Ensuring maximum available resources for the program has meant that the OIC's Corporate Services group operates at the minimum size necessary to ensure good stewardship and governance. However, this situation increases the risk of error and burnout. In addition, the impact of employee turnover is greater and results in corporate memory loss.

A further risk stemming from operating with minimal internal services support is that the team may be unable to meet the obligations associated with large horizontal initiatives (such as the Financial Management Transformation, Human Resources Transformation and GCDOCS) without compromising its ability to carry out regular duties.

Planned Expenditures

Budgetary Financial Resources (dollars)

2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
$11,291,086	$11,291,086	$11,291,086	$11,291,086

Human Resources (Full-Time Equivalents [FTEs])

2016–17	2017–18	2018–19
93	93	93

Budgetary Planning Summary for Strategic Outcome and Program (dollars)

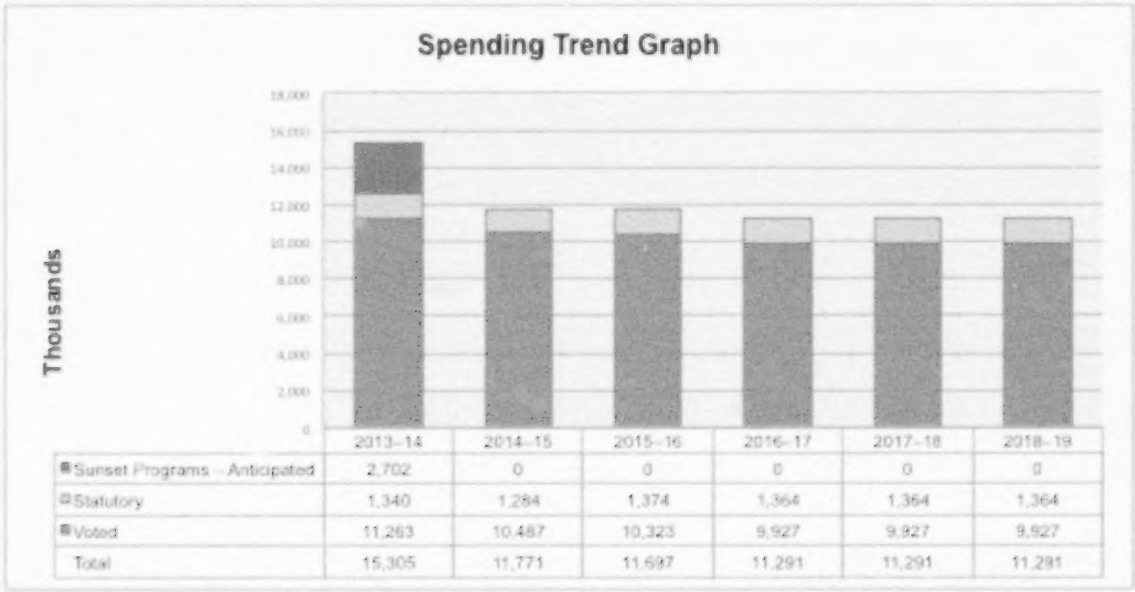
Strategic Outcome, Program and Internal Services	2013–14 Expenditures	2014–15 Expenditures	2015–16 Forecast Spending	2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
Strategic Outcome: Rights under the *Access to Information Act* are safeguarded							
Compliance with access to information obligations	$9,961,251	$9,152,469	$9,006,863	$8,694,136	$8,694,136	$8,694,136	$8,694,136
Internal Services	$5,343,842	$2,618,339	$2,690,362	$2,596,950	$2,596,950	$2,596,950	$2,596,950
Total	**$15,305,093**	**$11,770,808**	**$11,697,225**	**$11,291,086**	**$11,291,086**	**$11,291,086**	**$11,291,086**

For more information on the OIC's spending, see "Spending Trend," below.

Alignment of Spending With the Whole-of-Government Framework

The OIC's single program and related spending fall under the spending area of Government Affairs in the Whole-of-Government Framework, and align to the following Government of Canada outcome: A transparent, accountable and responsive federal government.[iii]

Spending Trend



	2013–14	2014–15	2015–16	2016–17	2017–18	2018–19
Sunset Programs – Anticipated	2,702	0	0	0	0	0
Statutory	1,340	1,284	1,374	1,364	1,364	1,364
Voted	11,263	10,487	10,323	9,927	9,927	9,927
Total	15,305	11,771	11,697	11,291	11,291	11,291

The above figure illustrates the OIC's spending trend from 2013–14 to 2018–19. Spending decreased year-over-year to 2015–16 from its level in 2013–14, when the OIC received a $2.6-million loan to cover the costs of its office relocation. Spending will level off in 2016–17.

The OIC plans to spend $11.3 million in 2016–17 to carry out its program and meet its strategic outcome. The Commissioner has committed to ensuring that the financial resources will be used in the most strategic and responsible manner to continue to improve service delivery and ensure that investigations and other activities aimed at enhancing government openness and transparency have the most impact.

The vast majority of the OIC's spending (83 percent) is for salaries and associated employee costs. In order to support the program, an additional 12 percent of the budget is allocated to obtaining specialized expertise not available in house. This leaves the Commissioner with limited resources to cover annual and increasing fixed and non-discretionary costs (e.g. telecommunications, software licences) and with little room for discretionary spending.

These financial pressures hinder the Commissioner's ability to carry out her mandate effectively and ensure the rights conferred by the *Access to Information Act* are respected.

Estimates by Vote

For information on the Office of the Information Commissioner's organizational appropriations, consult the 2016–17 Main Estimates on the Treasury Board of Canada Secretariat website (under the Department of Justice Canada).[iv]

Section II: Analysis of Program by Strategic Outcome

Strategic Outcome

Rights under the *Access to Information Act* are safeguarded

Performance Measurement

Program

Compliance with access to information obligations

Description

The *Access to Information Act* is the legislative authority for the oversight activities of the Information Commissioner, which are: to investigate complaints from requestors and corporations; to initiate complaints in respect of any other matter relating to requesting or obtaining access to records under this Act; to report the results of investigations/reviews and recommendations to complainants, government institutions, and Parliament; to pursue judicial interpretation; and to provide advice to Parliament on access to information matters. The Office of the Information Commissioner supports the Commissioner in carrying out these activities.

Budgetary Financial Resources (dollars)

2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
$8,694,136	$8,694,136	$8,694,136	$8,694,136

Human Resources (FTEs)

2016–17	2017–18	2018–19
71	71	71

Performance Measurement

Expected Results	Performance Indicators	Targets	Date to Be Achieved
Canadians receive timely resolution of complaints about federal institutions' decisions on access to information requests	Median turnaround time for administrative cases	90 days*	March 31, 2017
	Median turnaround time for refusal cases	180 days*	March 31, 2017
Institutions meet their obligations under the *Access to Information Act* and adopt measures to address institutional and systemic issues affecting access to information	Percentage of recommendations from investigations of complaints that are adopted	95%	March 31, 2017
	Percentage of recommendations from systemic investigations that are adopted	80%	March 31, 2017

*The performance indicators are measured from the date a file is assigned to an investigator. It is important to note that, given the OIC's resource constraints, there are currently delays of 170 days and 343 days, respectively, for administrative and refusal complaints before a file can be assigned to an investigator.

Planning Highlights

The OIC will begin to mediate all complaints following the results of a mediation pilot project. As well, having pilot tested a new and lean investigative process in 2015–16, the OIC will adjust and fully implement it in 2016–17.

Together, these two steps will further increase efficiency in resolving complaints, in the face of a large inventory of files. As part of the new process, OIC investigators and lawyers will work seamlessly on files.

The OIC's information technology (IT) group will continue to support the program by, for example, upgrading the OIC's case management system. The improved system will better serve investigations and enhance the collection and analysis of statistical data related to complaints.

The OIC will introduce an online complaint form in 2016–17. This will make it easier for complainants to submit material and save time at the beginning of the investigation process.

The OIC is also developing an investigation manual and a code of procedure to help investigators, complainants and institutions understand their and the OIC's roles and responsibilities in the new process.

The Commissioner will pursue the next stages of her Charter challenge of certain provisions of the *Ending the Long-gun Registry Act* that came into effect in 2015. Hearings are scheduled for November 2016.

Modernizing the *Access to Information Act* could be a priority in 2016–17. The Prime Minister signalled in Cabinet ministers' mandate letters that the government would initiate a review of the Act and amend this law to, among other things, give the Commissioner order-making power. The Commissioner stands ready to provide advice—based on her research and the OIC's more than 30 years' experience investigating complaints—to parliamentarians and the government as part of the review and amendment process.

Internal Services

Description

Internal Services are groups of related activities and resources that are administered to support the needs of programs and other corporate obligations of an organization. Internal services include only those activities and resources that apply across an organization, and not those provided to a specific program. The groups of activities are Management and Oversight Services; Communications Services; Human Resources Management Services; Financial Management Services; Information Management Services; Information Technology Services; Real Property Services; Materiel Services; and Acquisition Services.

Budgetary Financial Resources (dollars)

2016–17 Main Estimates	2016–17 Planned Spending	2017–18 Planned Spending	2018–19 Planned Spending
$2,596,950	$2,596,950	$2,596,950	$2,596,950

Human Resources (FTEs)

2016–17	2017–18	2018–19
22	22	22

Planning Highlights

In light of demographic factors, the mobile workforce and the ongoing need for skilled investigators, the OIC will continue to create pools of qualified candidates for investigative positions at various levels. The OIC will also continue to develop its in-house litigation capacity to avoid having to retain costly external legal resources.

At the same time, the OIC will continue to enhance the integration of new employees into the organization. To that end, the OIC will expand its new training program on the fundamentals of working at the OIC and being an investigator, and continue to augment its orientation guide. Opportunities for even more training through a joint program with Elections Canada will continue. Taking advantage of shared services will remain a priority in 2016–17.

Further, the OIC will take better advantage of its intranet to present training videos and resources for staff, and make key human resources information readily available.

The OIC will roll out a new integrated human resources plan in 2016–17, depending on additional funding allocated to the OIC.

The ongoing implementation of projects inspired by Blueprint 2020 principles, such as the Financial Management Transformation, Human Resources Transformation and GCDOCS, will help ensure the OIC continues to lead in excellence and performance.

Section III: Supplementary Information

Future-Oriented Condensed Statement of Operations

The Future-Oriented Condensed Statement of Operations provides a general overview of the OIC's operations. The forecast of financial information on expenses and revenues is prepared on an accrual accounting basis to strengthen accountability and to improve transparency and financial management.

Because the Future-Oriented Condensed Statement of Operations is prepared on an accrual accounting basis, and the forecast and planned spending amounts presented in other sections of the *Report on Plans and Priorities* are prepared on an expenditure basis, amounts may differ.

A more detailed future-oriented statement of operations and associated notes, including a reconciliation of the net cost of operations to the requested authorities, can be found on the OIC's website.[v]

Future-Oriented Condensed Statement of Operations
For the Year Ended March 31, 2016
(dollars)

Financial Information	2015–16 Forecast Results	2016–17 Planned Results	Difference (2016–17 Planned Results minus 2015–16 Forecast Results)
Total expenses	$13,088,852	$13,170,353	$81,501
Total revenues	0	0	0
Net cost of operations before government funding and transfers	$13,088,852	$13,170,353	$81,501

Supplementary Information Tables

The following supplementary information tables are available on the Office of the Information Commissioner's website:

- Departmental Sustainable Development Strategy (Target 7.2: Green Procurement); and
- Upcoming Internal Audits and Evaluations Over the Next Three Fiscal Years.[vi]

Tax Expenditures and Evaluations

The tax system can be used to achieve public policy objectives through the application of special measures such as low tax rates, exemptions, deductions, deferrals and credits. The Department of Finance Canada publishes cost estimates and projections for these measures each year in the Tax Expenditures and Evaluations publication.[vii] The tax measures presented in that publication are the responsibility of the Minister of Finance.

Section IV: Organizational Contact Information

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Appendix: Definitions

Appropriation: Any authority of Parliament to pay money out of the Consolidated Revenue Fund.

budgetary expenditures: Operating and capital expenditures; transfer payments to other levels of government, organizations or individuals; and payments to Crown corporations.

Departmental Performance Report: Reports on an appropriated organization's actual accomplishments against the plans, priorities and expected results set out in the corresponding Reports on Plans and Priorities. These reports are tabled in Parliament in the fall.

full-time equivalent: A measure of the extent to which an employee represents a full person-year charge against a departmental budget. Full-time equivalents are calculated as a ratio of assigned hours of work to scheduled hours of work. Scheduled hours of work are set out in collective agreements.

Government of Canada outcomes: A set of 16 high-level objectives defined for the government as a whole, grouped in four spending areas: economic affairs, social affairs, international affairs and government affairs.

Management, Resources and Results Structure: A comprehensive framework that consists of an organization's inventory of programs, resources, results, performance indicators and governance information. Programs and results are depicted in their hierarchical relationship to each other and to the Strategic Outcome(s) to which they contribute. The Management, Resources and Results Structure is developed from the Program Alignment Architecture.

non-budgetary expenditures: Net outlays and receipts related to loans, investments and advances, which change the composition of the financial assets of the Government of Canada.

performance: What an organization did with its resources to achieve its results, how well those results compare to what the organization intended to achieve, and how well lessons learned have been identified.

performance indicator: A qualitative or quantitative means of measuring an output or outcome, with the intention of gauging the performance of an organization, program, policy or initiative respecting expected results.

performance reporting: The process of communicating evidence-based performance information. Performance reporting supports decision making, accountability and transparency.

planned spending: For Reports on Plans and Priorities (RPPs) and Departmental Performance Reports (DPRs), planned spending refers to those amounts that receive Treasury Board approval by February 1. Therefore, planned spending may include amounts incremental to planned expenditures presented in the Main Estimates.

A department is expected to be aware of the authorities that it has sought and received. The determination of planned spending is a departmental responsibility, and departments must be able to defend the expenditure and accrual numbers presented in their RPPs and DPRs.

plans: The articulation of strategic choices, which provides information on how an organization intends to achieve its priorities and associated results. Generally a plan will explain the logic behind the strategies chosen and tend to focus on actions that lead up to the expected result.

priorities: Plans or projects that an organization has chosen to focus and report on during the planning period. Priorities represent the things that are most important or what must be done first to support the achievement of the desired Strategic Outcome(s).

program: A group of related resource inputs and activities that are managed to meet specific needs and to achieve intended results and that are treated as a budgetary unit.

Program Alignment Architecture: A structured inventory of an organization's programs depicting the hierarchical relationship between programs and the Strategic Outcome(s) to which they contribute.

Report on Plans and Priorities: Provides information on the plans and expected performance of appropriated organizations over a three-year period. These reports are tabled in Parliament each spring.

results: An external consequence attributed, in part, to an organization, policy, program or initiative. Results are not within the control of a single organization, policy, program or initiative; instead they are within the area of the organization's influence.

statutory expenditures: Expenditures that Parliament has approved through legislation other than appropriation acts. The legislation sets out the purpose of the expenditures and the terms and conditions under which they may be made.

Strategic Outcome: A long-term and enduring benefit to Canadians that is linked to the organization's mandate, vision and core functions.

sunset program: A time-limited program that does not have an ongoing funding and policy authority. When the program is set to expire, a decision must be made whether to continue the program. In the case of a renewal, the decision specifies the scope, funding level and duration.

target: A measurable performance or success level that an organization, program or initiative plans to achieve within a specified time period. Targets can be either quantitative or qualitative.

voted expenditures: Expenditures that Parliament approves annually through an Appropriation Act. The Vote wording becomes the governing conditions under which these expenditures may be made.

whole-of-government framework: Maps the financial contributions of federal organizations receiving appropriations by aligning their Programs to a set of 16 government-wide, high-level outcome areas, grouped under four spending areas.

Endnotes

i. InfoSource, *Bulletin Number 34B: Statistical Reporting* and *Bulletin Number 38B: Statistical Reporting*, http://www.infosource.gc.ca/bulletin/bulletin-eng.asp

ii. Office of the Information Commissioner, *Annual Report 2014–2015*, http://www.oic-ci.gc.ca/eng/rapport-annuel-annual-report_2014-2015_3.aspx

iii. Treasury Board of Canada Secretariat, "Whole-of-Government Framework," http://www.tbs-sct.gc.ca/ppg-cpr/frame-cadre-eng.aspx

iv. Treasury Board of Canada Secretariat, "Government Expenditure Plan and Main Estimates (Parts I and II)," http://www.tbs-sct.gc.ca/hgw-cgf/finances/pgs-pdg/gepme-pdgbpd/index-eng.asp

v. Office of the Information Commissioner, "Future-oriented Statement of Operations," http://www.oic-ci.gc.ca/eng/abu-ans_cor-inf-inf-cor_fofs-evif.aspx

vi. Office of the Information Commissioner, "Reports on Plans and Priorities," http://www.oic-ci.gc.ca/eng/abu-ans_cor-inf-inf-cor_int-aud-ver-int-rpp.aspx

vii. Department of Finance Canada, "Government of Canada Tax Expenditures," http://www.fin.gc.ca/purl/taxexp-eng.asp